

SEP 24 2024

US DISTRICT COURT
WESTERN DISTRICT OF NC

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA

DEONTE D. MEADOWS

Plaintiff,

COMPLAINT

vs.

Case No. 1:24-cv-244-MR

Officer BRAND et al.

Officer MACE et al.

Defendant(s).

A. JURISDICTION

Jurisdiction is proper in this court according to:

☒ 42 U.S.C. §1983

☐ 42 U.S.C. §1985

☐ Other (Please specify) _____

B. PARTIES

1. Name of Plaintiff: DEONTE D. MEADOWS
Address: 355 OLD GLENWOOD Rd.
MARION, N.C. 28752

2. Name of Defendant: OFFICER BRAND
Address: 355 OLD GLENWOOD Rd.
MARION, N.C. 28752

Is employed as MAIL ROOM OFFICER at MARION CORRECTIONAL
(Position/Title) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred? YES ☒ NO ☐ if "YES" briefly explain:

~~Defendant(s) opened my legal mail outside of my presence which is unlawful. And they worked for the DEPARTMENT OF ADULT CORRECTIONS at the time~~ See Attached Sheets

3. Name of Defendant: OFFICER MACE
Address: 355 OLD GLENDALE Rd
MARION, N. C. 28752

Is employed as MAILROOM OFFICER at MARION CORRECTIONAL
(Position/Title) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred? YES ☒ NO ☐ if "YES" briefly explain:

~~Defendant(s) opened my legal mail outside of my presence which is unlawful. And they worked for the DEPARTMENT OF ADULT CORRECTIONS at the time~~ See Attached Sheets

4. Name of Defendant: _____
Address: _____

Is employed as _____ at _____
(Position/Title) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred? YES _____ NO _____, if "YES" briefly explain:

(Use additional sheets if necessary.)

C. NATURE OF CASE

Why are you bringing this case to court? Please explain the circumstances that led to the problem.

SEE ATTACHED SHEETS

D. CAUSE OF ACTION

I allege that my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary you may attach additional pages)

- a. (1) Count 1: Violate of First and Sixth Amendment
(2) Supporting Facts: (Describe exactly what each defendant did or did not do. State the facts clearly in your own words without citing any legal authority. Use additional sheets if necessary.)
The DEFENDANT(S) opened my legal mail in the mail room
and instead of bringing it to my cell door and opening it as
required by law and prison policy.
- b. (1) Count 2: _____
(2) Supporting Facts: (Describe exactly what each defendant did or did not do. State the facts clearly in your own words without citing any legal authority. Use additional sheets if necessary.)

E. INJURY

How have you been injured by the actions of the defendant(s)?

Yes. The Defendant(s) violation of the First and Sixth
Amendment is injurious to my Constitutional Rights.

F. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

Have you filed other lawsuits in state or federal court that deal with the same facts that are involved in this action? YES _____ NO ☒

If your answer is "YES", describe each lawsuit. (If there is more than one lawsuit, describe additional lawsuits on additional separate pages, using the same outline.)

1. Parties to previous lawsuits:

Plaintiff(s): _____

Defendants(s): _____

2. Name of court and case or docket number:

3. Disposition (for example, was the case dismissed? Was it appealed? Is it still pending?)

4. Issues raised:

5. When did you file the lawsuit?

Date: Month/Year

6. When was it (will it be) decided?

Have you previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part D? YES ☒ NO _____

If your answer is "YES" briefly describe how relief was sought and the results. If your answer is "NO" explain why administrative relief was not sought.

I filed a grievance in the matter, and the administration's response

was that my rights were violated due to human error.

G. REQUEST FOR RELIEF

I believe I am entitled to the following relief:

Compensatory damages in the amount of \$50,000
Punitive damages in the amount of \$200,000
And what ever other damages in addition to the above stated
Compesatory and Punitive damages that this Court may think is
Just and propper.

JURY TRIAL REQUESTED

YES ☒

NO ☐

Signed at Marion Correctional Institution on _____
(Location) (Date)

Signature

Address:

305 355 Old Glenwood Rd
Marion, N.C. 28752

Phone:

D.K.

E-Mail:

D.K.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was mailed/ delivered to the following individuals at the addresses listed:

Josh Stein

P.O. Box 629

Raleigh, N.C. 27602

This the _____ day of _____, 2024.

Deonte D. Meadows

Signature

Deonte D. Meadows

(Print Name)

Attached Sheet

On 6/10/2024 between the hours of 1:00 - 2:30, the on duty S.G.T. of my "at the time" assigned unit brought me a legal letter addressed to me from Ryan Legal Services, PLLC, 508 West Main Street, P.O. Box 569, Mount Olive, N.C. 28356, #919-706-0390. When I received the letter, I noticed that the letter had been opened prior to me receiving it, so I asked the S.G.T. who opened my legal mail, and her response was "the mail room". "From what I understand Ms Bland and Ms Mace were the ones who opened the mail." There was also a note accompanying the letter which stated "Not legal per policy - not an attorney," but the letter was physically sent to me instead of being placed on the tablet. By policy non-legal mail is to be placed on the digital tablet to be read by the inmate to whom the letter was sent to, and legal mail is to be physically delivered ~~and~~ to and opened in front of the inmate to whom it is addressed, and is not to be opened outside the presence of the inmate to whom it is addressed. Laaman v. Helgemoe:

"Prisoner's correspondence rights have been extensively litigated and need ~~not~~ little exploration by this Court. Wolff, supra, 428 U.S. 539, 94 S.Ct. 2963, 42 L.Ed. 2d 935; Martinez, supra, 426 U.S. 396, 94 S.Ct. 1800, 40 L.Ed. 2d 224. Briefly, correspondence from attorneys-at-law, Courts government officials and, under some circumstances, the media, is privileged mail, and scrutiny of it by prison officials is restricted under the First and Sixth Amendments. Privileged incoming mail may be opened or inspected only in the presence of the inmate-addressed, Wolff, supra, 428 U.S. at 674, 94 S.Ct. 2963, and the inspection is limited to locating contraband; the enclosed letter may not be read or censored. Privileged outgoing mail may not be opened. These rules are, of course, subject to the Fourth Amendment whereby, if the authorities satisfy its requirements, privileged mail may be

Attached Sheets

(5th Cir. 1976); Smith v. Robbins, 454 F.2d 696 (1st Cir. 1972); Craig, 405 F. Supp 656.

I filed a grievance in this matter, and in the initial response the facility stated:

"I have reviewed your complaint and I submit the following. Mail was received for offender Meadows on 6/10/24 from Ryan Legal Services, PLLC. We have several "legal services" that have been verified to be run by Paralegals.

They all state on the website "If you need legal advice, contact an attorney immediately." Typically an attorney's office does not state this. This was looked up and human error was made due to the disclaimer on the website.

This issue has been corrected and additional steps are being made to keep this from re-occurring. We do open and copy mail that is of a legitimate business nature to forward to the offender such as legal clinics, religious, IRS, Financial etc. This envelope and the one piece of paper included, were copied and sent to the offender. The original is kept in the mail room for 30 days and then shredded. No further action is recommended at this time."

I would first like to point out the case of Koch v. Jerry W. Bailey Trucking Inc. Which says "in part":

"Attorney Seely also identifies a paralegal, Maria Kasco, who performed unspecified services on the case (Doc. No. 16-29.) Fees for paralegal services are recoverable, as the term "attorney's fees of paralegals as well as attorneys." Howe v. City of Akron, No. 5:06-CV-2779, 2016 WL 916707, at *15 (N.D. Ohio Mar. 20, 2016) (citing Richlin Sec. Serv. Co. v. Chertoff, 553 U.S. 571, 580, 128 S.Ct. 2007, 170 L.Ed.2d 960 (2008)). A court should distinguish between legal

Attached Sheets

[A]ctivities such as filing a complaint, filing service requests, and filing return-of-service forms are clerical tasks that may be considered sufficiently 'legal work' to permit compensation, although any compensation would be at a lesser rate "Rodriguez V. Astrue, No. 3:11-cv-398, 2012 WL 2905928, at *3 (N.D. Ohio July 16, 2012). By contrast, [p]urely clerical or secretary tasks, that is non-legal work, should not be billed even at a paralegal rate - regardless of who performs the work." *Id.* (emphasis in original) (Citing *Missouri v. Jenkins by Asyci*, 492 U.S. 724, 288 n. 10, 109 S.Ct. 2463, 105 L.Ed.2d 229 (1989)).

Petitioner is not in any way saying that this letter was mailed to me by a Paralegal, but quite the contrary. Petitioner firmly asserts that the letter in fact was sent by a licensed Legal Practice and that this facility knew that the letter was legal mail before the mail was opened. But for the sake of argument, let's say the facility was correct in its response when it ~~says~~ said this letter sent by a Paralegal. Just because it is from a paralegal does not mean that it is non-legal paperwork. As affirmed by the above case, paralegals can in fact aid as support staff and mail/file legal paperwork that is deemed by the court to be legitimate legal-work. Even if this letter "was" mailed to Petitioner by a paralegal, the fact that on the front of the envelope it has stamped in bold red lettering:

"CONFIDENTIAL LEGAL MAIL"

Shows that it would have been legal mail sent by a paralegal acting in the capacity of Support Staff performing legitimate legal-work. So the facility's argument that purely because this was a paralegal service that sent this letter to Petitioner makes it non-legal mail has no merit.

Furthermore the fact that the letters ~~PP~~ PLLC. were on the letter head shows that the purported legal services was a legitimate attorney's office because the letters PLLC. stands for Professional Limited Liability Company. The common definition for Paralegal is:

Attached Sheets

"Paralegal

adjective

: Of relating to, or being a paraprofessional who assist a lawyer"

And a Para professional is defined as follows:

"Para. Pro. fession. al

: a person whose job is to help a professional person (such as a teacher)."

Common sense would tell any person that a letter sent by a paralegal "that was not legal-work" could never have the letters PLLC. on the envelope that was sent because their job is to act as support staff/help for the professionals. For this letter to have the letters PLLC in its return address, shows this letter did not come from a paralegal but rather a fully licensed, bonified Attorney's office, and the argument that when the website was researched it may or may not have said "If you need legal advice, contact an attorney" is simply a way for the facility to make an excuse for intentionally violating Petitioner's First and Sixth Amendment Rights. And the attempt to assign this violation to human error is completely and wholly moot because with all of the signals on the envelope that was mailed to petitioner, there should not have been a need to look up the website.

Furthermore, this facility has a legal mail record book which shows all of the legal mail that I have recieved in the past while at this facility. Since I have been at this facility I have recieved several pieces of legal mail from said attorneys office and all of these letters were documented as legal mail. If Ms. Bland and Ms. Mace would have looked whent back and consulted the legal mail record books, they would have found that I had recieved mail from Ryan Legal Services PLLC. in the past and it was documented as legal mail. And to the best of Petitioner's knowledge Ms. Bland and Ms. Mace were the very ones who documented my past legal letters from Ryan Legal Services as legal mail in the legal mail record books of this facility. If they documented past letters from Ryan Legal Services PLLC. that were sent to me as legal mail, then why should it have been a question whether this letter which was mailed to me by Ryan Legal Services PLLC. was legal mail.

Attached Sheets

The Defendants may try to argue that they have qualified immunity but this argument is moot, because the defendant bears the burden of establishing their entitlement to qualified immunity. See *Vincent v. Velich*, 718 F.3d 157, 166 (2nd Cir. ~~2013~~ 2013). "The issues on qualified immunity are: (1) Whether plaintiff has shown facts making out violation of Constitutional right; (2) if so, whether that right was clearly established; and (3) even if the right was clearly established, whether it was objectively reasonable for the [officials] to believe the conduct at issue was lawful." *Gunzalez v. City of Schenectady*, 728 F.3d 249, 254 (2nd Cir. 2013) internal marks omitted).

Also the Defendant(s) "given all of the signals that were on the envelope of the mail in question 'the Confidential Legal Mail Stamp and the PLLC, Lettering on the envelope'" had no legitimate reason consult the firms website in the first place. The defendant's can not say that checking the website of all Law firms that send incarcerated inmates legal mail is a common practice, because if it was then the website would have been consulted for all of the other mail that I recieved from this Law firm, and prior mail would have been deemed as non-legal mail. The fact that it was not shows that checking Law firms Websites is not a Common practice.